

RDMD/Planning and Development Services

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DATE: February 24, 2005

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Land Use Planning

SUBJECT: Public Hearing on Planning Application PA04-0111 for Coastal Development Permit.

PROPOSAL: The applicant proposes to demolish two (2) existing two-story detached single-family dwellings on a 40' x 70' lot and construct a new three story, 4,664 square foot single-family dwelling with attached two-car garage. The proposal includes the construction of a 20' x 36' (approximate) ground level deck in the public encroachment area at the rear of the property.

LOCATION: The property is located in the community of Sunset Beach at the northwest corner of South Pacific Avenue and 22nd Street. The site address is 16531 South Pacific Avenue, Sunset Beach. Second Supervisorial District.

APPLICANT: Alan Archibald, property owner
William Reseigh, HMR Architects, agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-3522

SYNOPSIS: PDS/Land Use Planning recommends Zoning Administrator approval of PA04-0111 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject property is located in the Sunset Beach Specific Plan/Local Coastal Program. Sunset Beach is generally located between Warner Avenue to the south, the City of Seal Beach to the north, the City of Huntington Beach to the east, and Pacific Ocean beach to the west. The subject property is rectangular in shape measuring approximately 40 feet on South Pacific Avenue and 70 feet on 22nd Street for an area of 2,800 square feet. The site is developed with a two small single-family dwellings, one of which was built in 1931 according to County records. The proposal is to construct a new 4,664 square foot single-family dwelling with attached two-car garage accessed from South Pacific Ave. The applicant also proposes to construct a new ground level deck at the rear of the in the public encroachment area in the SBB "Sunset Beach Beach" District, which permits such use subject to the approval of a Coastal Development Permit and a Public Property Permit.

SURROUNDING LAND USE:

Direction	Sunset Beach Land Use Designation	Existing Land Use
Project Site	SBB “Sunset Beach Beach” SBR “Sunset Beach Residential”	20’ County encroachment area and beach Single-family dwelling
North	SBR “Sunset Beach Residential”	Single-family dwelling
South	SBR “Sunset Beach Residential”	Single-family dwelling
East	SBP “Sunset Beach Parking”	Public parking area and open space
West	SBB “Sunset Beach Beach”	Beach

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to each property owner of record within 300 feet of the subject site, the LCP Board of Review and the California Coastal Commission. Coastal Development. Coastal Development regulations also require mailing of the notice to the resident of a house within 100 feet of the subject site. However, the Post Office in Sunset Beach does not deliver mail directly to the homes. All U.S. Postal Service delivery is through post office boxes at the Sunset Beach Post Office. To satisfy Coastal Development requirements, a Notice of Hearing was posted at the Sunset Beach Post Office. Additionally, a Notice of Hearing was posted at the site as well as the Osborne Building. A copy of the planning application along with a copy of the proposed site plan was distributed for review and comment to seven County divisions and the Sunset Beach LCP Review Board. As of the writing of this staff report,

no comments raising issues with the project have been received from other County divisions. The Sunset Beach LCP Review Board reviewed the proposal at their January 18, 2005 meeting and recommended project approval.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The proposed project is typical of new construction occurring throughout Sunset Beach and conforms to the site development standards as shown below. New residential developments along South Pacific Avenue generally involve replacing a one or two story single-family dwelling with a new three-story single-family dwelling. Two-family dwellings are permitted on each lot provided the parking requirements can be satisfied. Following is a chart of the SBR site development standards for the project site along South Pacific Avenue and that proposed for this project.

DEVELOPMENT STANDARD	REQUIRED	PROPOSED
Front setback (South Pacific) Ground level and garage 2 nd and 3 rd levels	5 feet 6 inches	5 feet 18 inches
Rear setback All levels	0 feet	0 feet
Street side setback Ground level, except garage Garage entrance 2 nd and 3 rd levels	6 inches 3 feet 6 inches	18 inches NA 6 inches
Adjacent property side setback	3 feet all floors	3 feet all floors
Ground level (living area) bottom elevation	2 feet above S. Pacific.	2 feet above S. Pacific.
Maximum Building height from center line elevation of street	3-stories, no more than 35 feet	3-stories, 35 feet
Parking required	2 covered spaces	2 garage spaces

As shown in the chart above, the proposal conforms to the development regulations for new construction in the Sunset Beach SP/LCP. The applicant is proposing some unique architectural elements and a special roofline that is somewhat different from other homes recently approved dwelling in the vicinity. The typical architecture is a square building with a flat roof to maximize the building square footage. Staff notes that there are no architectural guidelines in the Sunset Beach Specific Plan that would detour individually in structure design. However, the proposed dwelling should be compatible with existing and future building designs.

The second part of this Coastal Development Permit is a new deck. The proposed deck would be located in the “public encroachment area”, which is a strip of land 20 feet wide adjacent to the beachfront homes on South Pacific Avenue. The Sunset Beach subdivision map (recorded in 1917) called this strip “Ocean Avenue”. Under the Sunset Beach SP/LCP this strip is part of the SBB District that includes that property located between the SBR District and the Pacific Ocean.

The Land Use Regulations of the Sunset Beach Specific Plan/Local Coastal Program for the SBB” Sunset Beach Beach” District (Section D.3.b.4) prohibit permanent above-ground structures on the beach and sand areas except for: “Temporary uses and structures accessory to residential development on contiguous SBR property subject to a Coastal Development Permit and a Public Property Encroachment Permit.” Decks and patios at the rear of a residential use fall into this category of temporary uses and accessory structures. County Public Property Permits Division maintains additional regulations for construction of decks (attached as Exhibit 3). In general, the regulations, limit the height of decks and lists prohibited uses such as landscaping over 30 inches, fencing, walls, windbreaks, screening and railings. The County also maintains a policy that the deck cannot encroach into the side yard setbacks extended from the SBR District regulations, which, for this property, are 6 inches on the street side setback and 3 feet on the other side setback. The purpose of this policy is to prevent a continuous deck along the rear property line.

The proposed project (demolition of existing structures, construction of a new single-family dwelling and construction of a new rear yard ground level deck) conforms to the site development standards of the SBR District and the deck requirements of the SBB “Sunset Beach Beach” District. The Sunset Beach LCP Review Board approved the project. The project is similar in scale as previously newly approved dwelling units located along South Pacific Avenue. The project is compatible with dwelling units in the vicinity subject to the same development standards. Staff supports the project as proposed and recommends project approval as follows.

RECOMMENDED ACTION:

PDS/Land Use Planning recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA04-0111 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Charles M. Shoemaker, Chief
PDS/LUP/Current and Advance Planning

WVM

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Site photos
- 3. Public Property Permits regulations on decks
- 4. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the RDMD/Planning and Development Services.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.